



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,390	09/11/2000	Pascate Corpart	RN97162G1	3489

7590 05/01/2002

Jean Louis Seugnet
Rhodia Inc
Cn 7500
259 Prospect Plains Road
Cranbury, NJ 08512-7500

EXAMINER

MULLIS, JEFFREY C

ART UNIT PAPER NUMBER

1711

DATE MAILED: 05/01/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/582,390

Applicant(s)

CORPART ET AL.

Examiner

Jeffrey C. Mullis

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Art Unit 1711

Applicants' remarks regarding the election of species requirement are moot since the election of species is hereby withdrawn.

Claims 29-52 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

It is not clear what applicants intend by the phrase "a radical polymerization initiator" in that radiation is known to initiate polymerization as is known in the art and as discussed at pages 5 and 6 of applicants' specification and yet applicants' specification appears to imply that applicants' process distinguishes over processes using radiation.

It is not clear what is intended by the term "block polymers". While ordinarily this term would be clear, applicants' definition in the claims defines m and n as ≥ 1 despite the fact that block copolymers as the term is generally known in the art are polymers containing long chains of particular types of sequences of monomeric units attached to other long chains of monomeric sequences of units. Applicants' definition however which includes only one monomeric unit does not embrace polymeric sequences at all when only a single unit is present.

Art Unit 1711

d The term "such as" as appears in at least the independent claim renders the claims unclear in that it cannot objectively be determined if the claims are required to contain the features referred to by "such as".

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b), the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29-52 are rejected under 35 U.S.C. § 102(b) as being anticipated by Himori et al. (EP 296850), cited by applicants.

Himori et al. disclose a process in which an AB block copolymer having applicants' dithiocarbamate end units (Abstract) is produced by photolyzing a polymer having applicants' dithiocarbamate end units. Since the polymer is contacted with

Art Unit 1711

radiation to form the block copolymer and since radiation initiates radical polymerization, the block copolymer precursor can properly be said to be "a radical polymerization initiator" as required by the claims but in any case claims 49-52 are drawn to a product, not a process and it is therefore immaterial how polymerization is initiated with regard to these claims.

Claims 29-52 are rejected under 35 U.S.C. § 102(b) as being anticipated by Tatsuya et al. (JP 04198303).

Tatsuya et al. disclose a process for producing block copolymers using "initiators". Note the Abstract. Note that applicants' dithiocarbamate moiety containing materials are used in structure 10 at page 16. Note that the International Search Report indicates that the patent is in the "X" category.

With regard to the references on applicants' International Search Report which are not relied upon, these references provide no teaching or suggestion of a process for producing a block copolymer, a product produced therefrom utilizing applicants' intermediates IIA or IIB.

It is requested that applicants submit reference "D4" discussed in the written opinion if applicants have a copy of this reference.

Serial No. 09/582,390

-5-

Art Unit 1711

Any inquiry concerning this communication should be directed to Jeffrey Mullis at telephone number (703) 308-2820.

J. Mullis:cdc

April 30, 2002

Jeffrey Mullis
Primary Examiner
Art Unit 1711

